

# **Appendix 5**

**Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Thomas Auld and Sons Limited**





Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100067204-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Nicholson McShane Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Douglas	Building Name:	Ladyburn Business Centre
Last Name: *	Nicholson	Building Number:	10
Telephone Number: *		Address 1 (Street): *	Nicholson McShane Chartered
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Greenock
Fax Number:		Country: *	Scotland
		Postcode: *	PA15 2UH
Email Address: *			

Is the applicant an individual or an organisation/corporate entity? \*

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="19"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="5-9 Brisbane Street"/>
Company/Organisation	<input type="text" value="Thomas Auld &amp; Sons Ltd."/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Greenock"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA16 8LS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="South Lanarkshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="643661"/>	Easting	<input type="text" value="288374"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Alterations to shopfront including removal of existing timber shopfront and replacement of aluminium and timber clad frontage, tiled stallriser and replacement of fascia board.

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refer to separate "Statement of Review to the Local Review Body".

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

"Statement of Review to the Local Review Body"

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

CL/17/0445

What date was the application submitted to the planning authority? \*

25/09/2017

What date was the decision issued by the planning authority? \*

19/12/2017

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Douglas Nicholson

Declaration Date: 14/02/2018



**Alterations to shopfront including removal of existing timber shopfront and replacement of aluminium and timber clad frontage, tiled stallriser and replacement of fascia board**

**(CL/17/0445)**

**At**

**94-96 High Street, Lanark, ML11 7ES**

### **Statement of Review to the Local Review Body**

#### **Introduction**

1. The applicant is Thomas Auld & Sons Ltd., a bakery business which has been providing quality and fresh bakery products on the High Streets of Central Scotland since the Company's inception in 1900.
2. Aulds is currently in the process of updating their corporate identity and, as a result of this, are committing considerable investment in new shopfronts and other works within many of their stores. This is positively contributing to the quality of many of the High Streets where Aulds has a presence and securing the viability of their shops going forward.
3. The proposal is for an appropriately scaled and modestly detailed intervention into the streetscape.

#### **Reason for Refusal**

4. The reason for refusal set out in the decision notice is as follows:  
"The proposal fails to comply with Policy 4, 15, DM1 and NHE7 in that: there is insufficient reasoning as to why the initial frontage cannot be retained and the proposal would have an adverse impact upon the conservation area and built heritage".

#### **Response to Report of Handling and Reason for Refusal**

5. The Report of Handling concludes that our proposal fails to accord with Policy 4. The criteria indicating compliance with this policy are integration with the surrounding area, and impact on the built heritage. In each case we argue that our proposal has no significant impact. We contend that the statement that High Street contains "predominantly timber shop





frontages” is misleading and that there are, in fact, a large number of aluminium shopfronts evident in very close proximity to the Aulds unit. We argue that the proposed alterations must be viewed in this context.

6. The Report of Handling also concludes that our proposal fails to accord with Policy 15 and with NHE 7. Policy 15 seeks to ensure that proposals “protect and enhance the natural and historic environment”. Although a material change is proposed, again this is of a relatively modest nature and little of consequence is being lost to the streetscape.
7. Policy DM1 requires that new shopfronts comply with the local authority’s Shopfront Guide. This is supported by the processing officer’s comments that “proposals are assessed on the basis of their location, in this case the historic conservation area, not a company’s national branding or commercial competition”. We note that many of the large national retail outlets located on High Street, including Santander, Holland & Barrett, Costa, Poundland and Ladbroke’s, have aluminium shopfronts which reflect their corporate branding and are substantially at variance with the Shopfront Guide.
8. The applicant has made clear the requirements for the change to the shopfront in the following statement submitted to the planning processing officer on 4<sup>th</sup> December 2017:  
*“One of the main reasons for moving to a metal shopfront is the difficulty we have with wooden doors. Wooden doors, as is the case in Lanark move with temperature and moisture leaving small gaps at thresholds that leads to pest ingress and drafts. As we all know it only needs the smallest of gaps under a door for the ingress of many types of pest. This has been a constant issue with our Lanark front door.*

*Secondly the maintenance of the wood is a large issue for us. Our image is important to us and all our shops except Lanark and a unit in Paisley, which is soon to be changed, have metal shopfronts. Metal shopfronts remain looking good throughout their lifetime whereas, even with maintenance, the wood goes from looking good to looking poor very quickly, leading to the shop looking shabby. This is particularly the case in Lanark High Street where the shop is very exposed to the elements.*

*Thirdly, vandalism and the cost of replacing/repairing wooden and decorative finishes is unfortunately becoming a large issue. The potential to quickly replace decorative wooden surrounds is small whereas metal standard items can be replaced much more easily and quickly. With the absence of shutters on the shop this becomes a major concern and is linked to the aim of reducing the size of window pane as the cost and ability to replace glass is directly linked to the pane size.*



*Finally, our company has recently rebranded as we have a need to move away from the old fashioned Aulds if we are to succeed on the high street. This means that it is essential that we have a more modern look to our retail outlets, more in keeping with a lot of the metal shopfronts that have appeared in Lanark High Street. We cannot drag Aulds into the old fashioned bracket, with wooden shopfront, where we struggle to compete with retailers with more contemporary images.*

*I hope this explains why we really must move away from the wooden frontage".*

### **Summary**

9. The proposal represents a modest intervention into a busy, vibrant streetscape which displays a high degree of variety in shopfront design and materials. The consistency in materials and detailing assumed by Shopfront Guide is in no way reflected in this streetscape.
10. The inability of the applicant to upgrade the shopfront in a modern manner compromises the ability of Thomas Auld & Sons Ltd. to compete with businesses which already have modern shopfronts on the High Street.

Nicholson McShane Architects